

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Steven Dejuan Brown,

Case No. 25-cv-171 (KMM/DJF)

Petitioner,

v.

ORDER

B. Eischen, FPC Duluth,

Respondent.

The above matter is before the Court on the Report and Recommendation (“R&R”) of Magistrate Judge Dulce J. Foster, dated February 5, 2025. R&R, ECF No. 5. Mr. Brown filed a habeas petition alleging that the Federal Bureau of Prisons (“BOP”) is wrongfully refusing to award him earned time credits under the First Step Act of 2018 (“FSA”). In the R&R, Judge Foster recommended that the Petition be denied. Judge Foster asserted that, since Mr. Brown was convicted under Section 924(c), he is not entitled to time credits under the FSA and held that the BOP acted in a manner fully consistent with the law by declining to award FSA time credits. R&R at 3. No objections to the R&R have been filed in the time permitted. The Court accepts the R&R, denies the Petition for a Writ of Habeas Corpus, and dismisses the matter.

The Court reviews *de novo* any portion of the R&R to which specific objections are made. 28 U.S.C. § 636(b)(1); D. Minn. LR 72.2(b). In the absence of objections, the Court reviews the R&R for clear error. *Nur v. Olmsted County*, 563 F. Supp. 3d 946, 949 (D.

Minn. 2021) (citing Fed. R. Civ. P. 72(b) and *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam)). Based on the Court's careful review of the R&R and the record in this case, the Magistrate Judge committed no error, clear or otherwise.

IT IS HEREBY ORDERED:

1. Magistrate Judge Dulce J. Foster's Report and Recommendation dated February 5, 2025 [ECF No. 5] is **ACCEPTED**;
2. Mr. Brown's Petition for Writ of Habeas Corpus [ECF No. 1] is **DENIED**; and
3. This matter is **DISMISSED WITH PREJUDICE**.

Let Judgment Be Entered Accordingly.

Date: May 28, 2025

BY THE COURT:

s/Katherine Menendez
Katherine Menendez
United States District Court